

ORDINANCE NO. 07-50

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL TO COMMERCIAL. **PROPERTY LOCATED AT 3420 WEST 84 STREET, HIALEAH, FLORIDA, ZONED M-1 (INDUSTRIAL DISTRICT); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Board on April 4, 2007 recommended approval of the proposed amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council; and

WHEREAS, the application qualifies as small scale development pursuant to section 163.3187(1)(c), Florida Statutes since the proposed amendment involves a use of 10 acres or fewer and is within the annual acreage allotted in a local government comprising either a maximum total of 80 acres or 120 acres in an area for downtown revitalization or urban infill.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Future Land Use Map is hereby amended from Industrial to Commercial on property located at 3420 West 84 Street, Hialeah, Miami-Dade, Florida, zoned M-1 (Industrial District), and legally described as follows:

A PORTION OF TRACT 11 OF CHAMBERS LAND COMPANY SUBDIVISION IN THE NW ¼ OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 11; THENCE NORTH 89° 38' 18" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST 84 STREET, HIALEAH, FLORIDA, FOR A DISTANCE OF 164.88 FEET; THENCE SOUTH 02° 34' 25" EAST FOR A DISTANCE OF 152.35 FEET TO A POINT; THENCE SOUTH 87° 25' 35" WEST FOR A DISTANCE OF 164.75 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID TRACT 11; THENCE NORTH 02° 34' 25" WEST ALONG SAID WEST BOUNDARY LINE OF TRACT 11 FOR A DISTANCE OF 158.71 FEET TO A POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

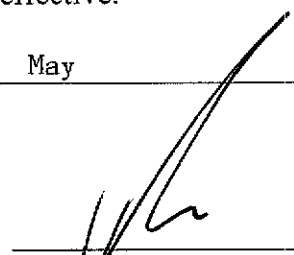
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective.

PASSED and ADOPTED this 22nd day of May, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



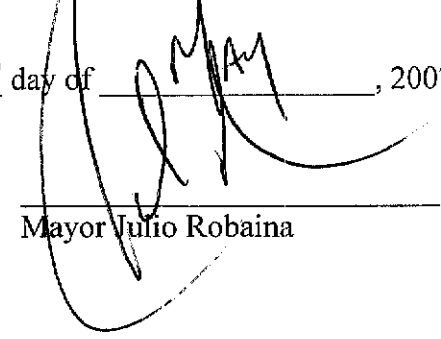
Esteban Bovo
Council President

Attest:

Approved on this 23 day of May, 2007.

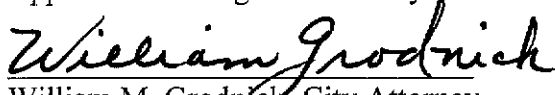


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to legal sufficiency and form:



William M. Grodnick, City Attorney

s:\wmg\legis\ord-2007\3420west84streetlandusesmallscaleamdm.doc

Ordinance was adopted by a 6-0-1 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, Miel and Yedra voting "Yes" and Councilmember Gonzalez absent.